IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CIVIL APPLICATION NO.69 OF 2005
IN
REVIEW PETITION STAMP NO.29879 OF 2005
IN
APPEAL FROM ORDER NO.905 OF 2005

Bhavesh C. Shah Applicant

Vs.

Kapildev R. Gupta Respondent

Mr.G.S.Godbole with Mr.Pankaj S. Shah for applicant.
Mr.S.K.Chaurasia h/f.Mr.A.M.Saraogi for respondent.

CORAM: B.H.MARLAPALLE,J.

December 23, 2005.

P.C.

. Heard Mr.Godbole, the learned counsel for the applicant who has filed Review Petition Stamp No. 29879 of 2005 but belatedly and hence this application for condonation of delay.

. As per the office note the delay caused is of two months and 22 days. The learned counsel for the respondent left it to the Court to consider the issue of delay condonation on its own merits and opposed the application for review. It has been contended by the applicant that the order dated 30/9/2005 in A.O. No.905 of 2005 and sought to be reviewed was at the first instance sought to be challenged in Letters

Patent Appeal No.202 of 2005 and the same was withdrawn on 20/12/2005. On account of the pendency of the Letters Patent Appeal the delay has been caused. It is noted that the LPA was allowed to be withdrawn on 20/12/2005 by the Division Bench of S.Radhakrishnan & Smt. V.K. Tahilramani,JJ. and the Review Petition has been moved on 22/12/2005. Hence there are good and sufficient grounds to condone the delay. The application is, therefore, allowed in terms of prayer clause (a).

(B.H.MARLAPALLE,J.)